

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL A. WOOD,

Petitioner,

: Case No. 3:19-cv-304

- vs -

District Judge Walter H. Rice  
Magistrate Judge Michael R. Merz

TIM BUCHANAN, Warden,  
Noble Correctional Institution,

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Respondent.

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**ORDER DENYING APPOINTMENT OF COUNSEL**

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This habeas corpus case is before the Court on Petitioner's Motion for Appointment of Counsel (ECF No. 19).

Although the Criminal Justice Act, 18 U.S.C. § 3006A, allows for the appointment of counsel in non-capital habeas cases, Congress has never fully funded the Act. Because of scarce funds, the Court must reserve appointment for those cases in which it is mandated (trial and appeal in criminal cases with possible jail sentences, death penalty habeas corpus cases, non-capital habeas cases where an evidentiary hearing has been ordered. No hearing has been ordered in this case and in fact the Magistrate Judge has filed a Report recommending dismissal.

Accordingly, the Motion for Appointment of Counsel is DENIED.

May 6, 2020.

*s/ Michael R. Merz*  
United States Magistrate Judge